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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, March 7, 2023, at 12 p.m.

Senate

MONDAY, MARCH 6, 2023

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mrs. MURRAY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal spirit, King of kings, and Lord of lords, we thank You today for the gift of this opportunity to serve You and country. Give us the wisdom to invest our lives in things that flourish beyond our lifetime.

Lord, guide our lawmakers. May the reality of their accountability to You prompt them to live their lives for Your glory. Empower our Senators to listen to the whisper of conscience as they labor for liberty. May their first priority be to stay within the circle of Your loving providence.

Lord, give all of us the power to fulfill Your purposes for our lives. We pray in your powerful name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination which the clerk will report.

The legislative clerk read the nomination of Robert Stewart Ballou, of Virginia, to be United States District Judge for the Western District of Virginia.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Republican leader is recognized.

KENTUCKY

Mr. McCONNELL. Madam President, this past weekend, the people of Kentucky endured significant severe weather. The storms that ripped through the Commonwealth on Friday caused mass power outages, localized flooding, and high winds that reached up to 75 miles an hour. At least one tornado was recorded in west Kentucky.

Sadly, the storms have taken the lives of five Kentuckians. Elaine and I send our deepest condolences to the families who are grieving their lost loved ones. My office has been in close contact with Governor Beshear's team and local officials across the State. Emergency response efforts are work-

ing overtime to ensure those impacted have the resources to make a rapid recovery.

At peak, there were more than half a million households without power. I am grateful to the linemen and chainsaw teams that have tirelessly worked around the clock to restore power throughout the State. A number of school districts remain closed today as power restoration efforts continue.

So thank you to all the first responders who have graciously deployed without hesitation. The generosity and resilience on display in the on-the-ground operations have been truly inspiring. Throughout the Commonwealth, Kentuckians are rolling up their sleeves to help where they can, whether it is assisting clean-up efforts with chainsaws in hand or opening their homes to those in need. Kentuckians have both big hearts and hard knuckles, and together, we will get through.

My prayers are with all the storm victims and their families, and I stand ready to assist with our swift recovery in the days ahead.

THE MIDDLE EAST

Now, Madam President, on an entirely different matter, a number of Senate Republican colleagues and I recently met with America's allies and partners across Europe and the Middle East. I spoke last week about our message to NATO and our friends in Europe. How the West confronts Russia's invasion of Ukraine today will shape the future with respect to, not just Russia, but China and Iran as well.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Of course, these same adversaries are aggressively working to counter American influence in the Middle East. We met with top leaders in Israel, Saudi Arabia, and the UAE; and a great deal of what we saw was very encouraging. America has many friends in the Middle East.

The Abraham Accords are uniting Arabs and Israelis to a degree that would have been literally unthinkable 15 or 20 years ago—and uniting them around shared interests with our own. Our partners want even stronger relations with the United States, but the problem is that, just like in Europe, our friends are questioning America's reliability and America's commitment.

Our partners are not asking us to take care of their security for them. They want a confident and engaged America to coordinate more closely with them and help them upgrade their own defenses.

If America disengages from the Middle East, some of our partners will, of course, turn to other major powers. A world in which China and Russia exert more influence in this pivotal region is not good for America.

Yet too often, this administration has turned to the Obama-era playbook of flirting with our adversaries rather siding with our friends. President Biden began his administration trying to dismantle the successful maximum pressure campaign on Iran that he inherited. Less than 2 weeks into the job, he made Iran's day by removing the official terrorist designation of the Iran-backed Houthis in Yemen. Iran is the world's most active state sponsor of terror. It was continuing its shameless years-long targeting of America's partners and our own U.S. personnel in the region. But right from the jump, President Biden took pressure off Tehran.

Then the Biden administration tried desperately to reassemble the wreckage of the failed Obama-era Iran deal, which was, of course, all carrots and no sticks. Then the President ignored the concerns of both our commanders and partners in ordering the disastrous retreat from Afghanistan. At crucial moments, President Biden has made decisions that have undermined confidence in America.

For example, when an Iran-sponsored attack struck the capital of the UAE, it didn't occur to the Biden administration to send anybody to stand in solidarity with our friends. Our friends didn't expect an American military response, but they certainly deserved at least a phone call.

Our friends from Saudi Arabia to Qatar to the UAE have made major investments in their military facilities to facilitate America's military presence and access, which contributes to deterrence of common adversaries. The botched retreat from Afghanistan has made these basing agreements even more vital, if we wish to maintain any remotely effective way to conduct counterterrorism in the region.

And the Abraham Accords pointed to a new and enormously beneficial chap-

ter for American involvement in the Middle East where we could stay engaged and keep promoting our interests in the region, without shouldering an outsized burden. But on President Biden's watch, we have squandered much of the momentum.

Democrats have sought to keep shrinking our influence and credibility in the Middle East. They have objected to arms transfers that would let our friends better prepare to defend themselves against common enemies. So, look, protecting America and our interests takes power, it takes presence, and, most importantly, it takes partners.

It is true in Europe. It is true in the Indo-Pacific. And it is true in the Middle East. Power, presence, and partners.

But President Biden's attempts to underfund our Armed Forces with inadequate budgets would reduce our power. His clumsy attempts to cut and run from the Middle East have reduced our presence, and letting key friendships languish erodes our partnerships. It is a recipe—a recipe for less American influence, less national security, and a vacuum—a vacuum—that Russia and China would, of course, be delighted to fill.

The Biden administration needs to get more serious toward Iran. The President says he won't allow Iran to acquire a nuclear weapon. Does anyone believe that? Iran inches closer and closer to a bomb while the administration dithers. After 2 years of squandered leverage, the administration finally admits their foolish negotiations with Iran are “on life support”—on life support. Well, it is past time to pull the plug.

We need to rally American allies in a campaign of coordinated sanctions. Maximum pressure on Tehran, for real. We need to closely coordinate with our Middle East friends, not keep them in the dark. We need to help Israel acquire the capabilities it needs to put Iran's nuclear program at credible risk. We need to clear roadblocks that prevent our partners from acquiring the superior American weapons and technologies that they need to defend themselves. That means reforming our broken, bureaucratic, and convoluted foreign military sales process.

Right now, it takes our partners an average of 18 months—listen to this—18 months just to put American weapons under contract. Our friends are literally trying to buy American, but we are making it more difficult. We need to streamline the process and ensure we do not drive our friends to buy weapons faster, cheaper, and easier from the Chinese. And the next time Iran's proxies attack American outposts in Syria or Iraq, we need to hit back hard and restore the deterrence that has eroded.

So, Madam President, some people seem to have a mistaken impression that America can project more strength in one region by protecting

weakness in other regions. The notion is that an America in retreat from Europe and/or the Middle East will somehow—somehow—magically have a stronger hand to play in Asia. That is not the way the world works.

If America were to roll over and let Putin eat our strategic lunch in Europe, if we were to abandon our friends in the Middle East and let China and Russia strategically dominate this important region, none of this—none of it—would put America in a stronger position to assemble and lead the international effort that it will take to confront the long-term expansion of China and others. It would only weaken us.

America has strong friends who want to continue to take our side over China's and Russia's. The administration needs to stop making it harder for them and start making it easier.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I have a few statements I would like to make this morning, but I would like to respond to the Republican leader's statement that he just completed.

I am not naive when it comes to Iran. I know what is happening there from press reports. Their treatment of women is abominable. There is no excuse for it. And the protests in the streets of Tehran and all across that country really are an expression of human dignity which the United States—at least I as a Senator in the United States—supports publicly.

Secondly, there are no excuses for the assistance Iran is giving to Vladimir Putin and his ruthless attack on the people of Ukraine. I won't make excuses for that or any other terrorist conduct by Iran.

But for the record—for the record—it was President Obama who moved forward with the notion that we ought to stop Iran from developing nuclear weapons. They are guilty of bad conduct in many quarters, but we didn't want them to have a nuclear weapon. We didn't think it made America any safer, the Middle East safer, or our allies like Israel any safer either.

So President Obama pushed for an arms control when it came to the development of nuclear weapons, and Iran had put together a coalition which sounds amazing today. To think that he could gather at one table in this effort—Russia, China, Great Britain, France, the European Union, and the United States in this effort to stop the Iranians from developing a nuclear weapon was nothing short of a political miracle.

It was resisted every step of the way by the Republicans. They didn't want to have this. We did it anyway. And with this nuclear effort was an inspection team—an international inspection team—on the ground in Iran to make sure they didn't violate it. We were safer—not by much, but we were safer then. And then who came along but President Donald Trump who said his approach would be just the opposite.

We are going to eliminate the whole program to stop Iran from developing a nuclear program, and he did.

So for the Republicans to come before us today and argue that we are not being tough enough on Iran, I would like to tell them that I am not going to make excuses for Iran and its foreign policy. But there are nuclear weapons we had a chance to do something about, and some of us voted for it, some of us voted against it. I think that ought to be a matter of public record.

HONORING OFFICER ANDRES VASQUEZ-LASSO

Madam President, on a separate subject matter, the city of Chicago, which I represent, is a city in mourning today.

Last Thursday, Chicago police officer Andres Vasquez-Lasso was killed while responding to a domestic violence 911 call that ended in a chase and an exchange of gunfire with the suspect. Officer Vasquez-Lasso was 32 years old. He had been on the police force for 5 years. He is married. The man accused of killing him is 18 years old.

Officer Vasquez-Lasso had chased this man a short distance on foot when the man reportedly turned on him, pointed a gun at him, and killed him. That chase ended on the playground of an elementary school in the city of Chicago where neighborhood kids were playing. As the bullets flew, the children took cover under slides and other playground equipment. Officer Vasquez-Lasso was shot three times—in the arm, leg, and head.

He was the first Chicago police officer killed in the line of duty since Officer Ella French was murdered 18 months ago during a traffic stop. They had a memorial service for Officer French. My wife and I went to it. It was at St. Rita High School in the Beverly section of Chicago. I have never seen a larger outpouring of men and women in uniform come and pay tribute to this officer who was killed in a traffic stop.

I was there with my wife, and we had a personal feeling about the occasion once we went inside, saw her family, and heard more about her life. I got to know her mom. And when the time came, we picked a program to help police across the United States, and we are working to name it after her in her honor for serving not only the city of Chicago but the country in protecting us. Sadly, here we are again.

Officer Vasquez-Lasso just didn't protect the Southwest Side neighborhood where he served. He actually lived there. He and his wife had bought a home only 2 and a half miles from where he was killed about a year and a half ago. And I want to say clearly for the record something that needs to be said: Officer Vasquez-Lasso was an immigrant to this country. He came here from Colombia. He became a citizen and became a police officer, and he gave his life for the people who live in this country.

On this Wednesday night, police officers, other first responders, and com-

munity members lined the streets to salute the ambulance carrying his body as it drove slowly from the hospital where he died to the county medical examiner's office.

On Thursday, black bunting draped the entrance to the 8th district headquarters where Officer Vasquez-Lasso was assigned. Several vigils have been held around the city of Chicago since his death. The largest was a candlelight prayer vigil Thursday evening in Hale Park, attended by the officer's wife and mother. Hundreds of police officers, community members, and friends came out to pay their respects. A friend at the prayer vigil recalled that Officer Vasquez-Lasso was "always a proper man." A fellow officer said, "He was always smiling."

Today, a memorial stands on the block where he was shot down. People drop off flowers and notes and other tributes. A rosary hangs on the fence. Illinois Governor J.P. Pritzker has ordered all flags in our State to fly at half-staff until Officer Vasquez-Lasso is laid to rest on Thursday.

These are especially difficult times to be a member of law enforcement. A growing arsenal of high-powered guns in the hands of criminals and domestic abusers makes policing more dangerous than it has ever been. Domestic violence calls are always fraught with danger for police, victims, and innocent people standing by.

At the suspect's bail hearing, Judge Mary Marubio noted that danger when she said:

This case, from start to finish, it begins in violence and it ends in violence.

The director of a local domestic violence prevention organization said, "Your heart breaks because it was all so preventable."

Madam President, for the sake of law enforcement officers who protect our communities and the victims of violence, we must do more to break the cycle of violence that kills far too many and leaves many more scarred. We must—must—do more to keep guns out of the hands of criminals and others who flatly should not have them.

The Bipartisan Safer Communities Act that Congress passed last year in the wake of the horrific Uvalde school shooting made important progress, but more is needed to protect our communities and our law enforcement officers.

In closing, I want to offer my condolences to Officer Vasquez-Lasso's family, especially his wife Milena Estepa, his mother Rocio Lasso, his sister, and niece, as well as his fellow officers in the Chicago Police Department, and his many, many friends.

Officer Vasquez-Lasso gave his life protecting his community. He was protecting the children on that playground and the families living in the community that he personally called home.

We join the city of Chicago in saluting his courage and mourning his loss.

PRESCRIPTION DRUG COSTS

Madam President, last week, pharmaceutical giant Eli Lilly announced that it was going to lower the price of its insulin product. It is called Humalog. They are going to lower it dramatically by 70 percent and cap the out-of-pocket costs for insulin at \$35 a month. After two decades of price gouging, this is a major relief for more than 7 million patients—more than 200,000 living in my State of Illinois—who depend on insulin every day to stay alive.

But, despite the importance of this announcement, I won't be sending thank-you cards to the executives of this pharmaceutical company. You see, it was a century ago—100 years ago—when basic forms of insulin were discovered. The Nobel Prize-winning researchers who pioneered that discovery surrendered the patent rights—their property rights—in this new discovery for \$1. Why? To prevent profiteering on this lifesaving medication.

Now fast-forward almost 100 years to 1996. Eli Lilly introduces its insulin drug Humalog. They set the price of a vial of this insulin at \$21. It made sense, as it only cost a few dollars to manufacture. But in the years since 1996, Eli Lilly prioritized profits over patients. The same vial of insulin that Eli Lilly first sold for \$21 was now being sold for \$300. Eli Lilly raised the price more than 30 separate times.

What happened to the same drug, made by the same company, sold in Canada? It was only \$40. But it was \$300 in the United States. Is it any wonder that Eli Lilly generated more than \$22 billion in revenue from insulin alone in 2014 and 2018?

Let me repeat that. There was \$22 billion in revenue during that 4-year period.

Let's be clear. During the same time, Eli Lilly spent \$1.5 billion on sales and marketing for insulin. Try to turn on the television set and get away with not seeing a pharmaceutical commercial from this company and so many others. Eli Lilly spent four times more than it spent on research for marketing this product and others.

The company's profit-taking on this life-or-death drug has had deadly consequences. When the price went up to \$300 a month, many people just couldn't afford it. More than 1 million Americans report having to ration or cut back doses of insulin—an extremely dangerous gamble.

I received a letter from one of my constituents from Palos Park, who faced that. His name is Phil. He is 73 years old. Phil told me he has had to skip insulin injections because of the cost. He wrote that he was "anxiously awaiting lower prescription prices."

Well, there is good news for Phil and a lot of other Americans. You don't have to wait any longer. Last year, the Democrats lowered the cost of prescription drugs.

Why didn't I say that the Senate lowered the cost? Because not a single Republican would vote for it—not one.

We enacted a new penalty to stop Pharma's outrageous price hikes. We enabled Medicare to finally negotiate lower prices. We also made vaccines, like the shingles vaccine, which costs nearly \$400 a course, entirely free for seniors under Medicare. We have said that no senior on Medicare will pay more than \$2,000 out-of-pocket for medications in a year. Finally, we capped the price of insulin at \$35 a month.

All of these measures were part of the Inflation Reduction Act, which President Biden signed into law and Republican Members of the House are now saying they want to repeal in its entirety. Clearly, our legislation put Big Pharma on notice. It let them know their days of price gouging are numbered.

We are not finished. There are now two very different visions of healthcare in America: the Democratic vision and the Republican vision. Instead of voting to cap insulin prices, Republicans blocked our proposal that would have applied the \$35 premium to all Americans and not just senior citizens. We needed 10 Republican votes on the floor. We got 7. And get this. Now many Republicans are talking about repealing the whole law and raising drug prices—exactly what America does not need.

As long as we are in charge in the Senate and have a President in the White House, we won't let it happen. In fact, we want to work with Republicans, if they are willing, to do more. Let's extend the \$35 insulin cap to all other diabetic patients in America. Is that a radical idea? Senator WARNOCK of Georgia has a bill to do this. The question: Are the Republicans willing to join us? That is what it takes to pass it.

While we are at it, let's put an end to Pharma's scheme to unjustifiably extend monopolies and harm patients' access to drugs. Last month, the Senate Judiciary Committee, which I chair, reported out five bipartisan bills to address patent abuse and other tactics that prevent generic drugs from coming on the market, keeping prices high for American families.

The full Senate should take up and pass these bills, and we should pass the bill that I have introduced with the Republican from Iowa, Senator GRASSLEY, to address the outrageous direct-to-consumer drug ads that we all see on television.

We all see them. On average, every American who watches TV is going to see nine drug ads every single day. How many countries allow the advertising of drugs on television? Two, the United States of America and New Zealand. Go figure. Pharma spent \$6 billion a year flooding the airwaves so that the average American sees all of those ads that promote the most expensive drugs in the world. Pharma thinks, if they bombard you enough with ads so that you finally get to the point you might be able to spell Xarelto, you will insist to

your doctor that that is the blood thinner you want even though there may be less expensive alternatives that are just as effective.

Well, Senator GRASSLEY and I have a radical idea. If they can put all of those disclaimers on those ads and give you all the information and say things that sound nonsensical on their face—if you are allergic to this drug, don't take this drug—how do I know I am allergic? Well, if you put all of that on there, they ought to be able to put for 5 seconds on every ad the cost of the drug—the cost of the drug.

You would be amazed. Some of these drugs cost \$9,000 and \$10,000 a month, and they are peddling them on the air like they are just pretty common, pretty affordable. They are not. If they are advertising a drug and rattling off side effects, they should disclose the price up front. It is a basic step toward transparency for patients. Even former President Trump agreed with us on this one. He supported our efforts.

I am glad we capped the price of insulin, but there is a lot more to do. I hope it will be bipartisan. If it isn't bipartisan, it is going nowhere. I hope the Republicans join us as people across America celebrate the affordability of prescription drugs for Medicare recipients.

FREEDOM TO VOTE ACT

Madam President, when I was a college student in 1965—there, I have given away my age—there was this discussion one night about getting in the car here, at Georgetown University in Washington, and having three or four of us drive down to Selma, AL, to participate in the march. Well, things intervened, like work schedules and classes, and we didn't do it, and I have regretted it ever since. I wasn't there for the March from Selma, which was commemorated just this past weekend with President Biden going to Selma, but I did get to the city of Selma, AL, on a fateful morning.

Congressman John Lewis, whom I served with in the House of Representatives—one of the real civil rights heroes of my generation—took a group of us down to Selma, AL. Part of the trip was to march over the Edmund Pettus Bridge, which he had done and had almost lost his life in the process. At the last minute, I had to go back to Illinois, and I had to cancel and catch an early morning plane to take the trip back home.

I told John Lewis: Maybe, next time, I will get a chance to do it.

He said: There may not be a next time. So let's you and I go over there.

We got up at 6 a.m. and drove over to Selma, AL. In the early morning fog, I walked across the Edmund Pettus Bridge with John Lewis by my side. He pointed out where he was standing when they beat him down with a nightstick and almost killed him. They fractured his skull.

I have thought about that ever since. When I think of Selma, AL, I think of John surviving that and the amazing

courage which he showed. It sometimes escapes us as to why that march was taking place. It sounds like a bunch of people who just wanted to get public attention. There was a lot more to the story.

There is a woman who publishes a column almost every single day—free for those who want to read it. Her name is Heather Cox Richardson. I have come to know her a little bit. She visited our Senate Democratic caucus just a few weeks ago. She published a column on March 5, Sunday, which spoke about Selma, AL, and what was behind that march. It was all about registering African Americans to vote in the State of Alabama.

"In the 1960s," she wrote, "despite the fact that Black Americans outnumbered white Americans among the 29,500 people who lived in Selma, Alabama, the city's voting rolls were 99% white. So, in 1963, local Black organizers launched a voter registration drive."

"... in neighboring Mississippi, Ku Klux Klan members worked with local law enforcement officers to murder three voting rights organizers and dispose of their bodies."

"To try to hold back the white supremacists, Congress"—and the Senate and the House—"passed the 1964 Civil Rights Act, designed in part to make it possible for Black Americans to register to vote. In Selma, a judge stopped voter registration meetings by prohibiting public gatherings of more than two people."

To call attention to the crisis in their city, they invited Dr. Martin Luther King to come to Selma.

"King and other prominent Black leaders arrived in January 1965, and for seven weeks, Black residents made a new push to register to vote."

The county sheriff in the Selma area, James Clark, "arrested almost 2,000 of them on a variety of charges, including contempt of court and parading without a permit. A federal court ordered Clark not to interfere with orderly registration."

There were some heroic Federal judges who risked their lives and reputations, and one of them was Frank Johnson. John Lewis told me about him as we walked over the Pettus Bridge.

But "a federal court ordered Clark not to interfere with orderly registration, so he forced Black applicants to stand in line for hours" and subjected them to a "literacy" test before they were allowed to register to vote. Not one single person passed.

"Then, on February 18, white police officers, including local police, sheriff's deputies, and Alabama state troopers, beat and shot an unarmed man, 26-year-old Jimmie Lee Jackson, who was marching for voting rights in Marion, Alabama," about 25 miles from Selma. "Jackson had run into a restaurant for shelter along with his mother when the police started rioting."

But they chased him and shot him and killed him at a restaurant kitchen. He died 8 days later on February 26.

"Black leaders in Selma decided to defuse the community's anger by planning a long march—54 miles—from Selma to the state capitol at Montgomery."

"On March 7, 1965, the marchers set out. As they crossed the Edmund Pettus Bridge, state troopers and other law enforcement officers met the unarmed marchers with billy clubs, bullwhips, and tear gas."

They fractured the skull of John Lewis and beat Amelia Boynton unconscious.

"A newspaper photograph of the 54-year-old Boynton, seemingly dead in the arms of another marcher, illustrated the depravity of those determined to stop Black voting."

I tell that story about Bloody Sunday because, very often, people don't hear the whole story. It was just a march. What was going on? Why did they do all that? It involved the right to vote—the right to vote in America. Is there anything more fundamental? Is there anything more debated at this point? The Big Lie of the previous President about the results of the last election I hope has been debunked for most Americans who are open to the facts. But we still fight to make sure that States do not restrict the right to vote. And too many still do.

Why do we make it so hard for residents of America to legally vote? It should be the easiest thing in the world. We shouldn't ask a great personal sacrifice on their part to achieve it.

Heather Cox Richardson makes it a point in her column, and I wanted to recount it on the floor of the Senate. So as we think about Selma, AL, and we think on more than just that picture of people coming over the bridge, we think of the reason they were coming over that bridge: to vote, to be part of America. They have an opportunity to speak in a democracy. It is so fundamental. It is so basic. It is so American.

I yield the floor.

The PRESIDING OFFICER (Ms. DUCKWORTH). The Senator from Alabama.

TITLE IX

Mr. TUBERVILLE. Madam President, since coming to Washington 2 years ago, I have learned a lot about the Senate and about how Washington works. Politics can, at times, be like a game. While we may be on different teams politically, we should all be focused on winning for all American people. If there is one thing I know about in my last 40 years as a coach and educator, it is trying to win and how to win.

Fifty years ago, we discovered a winning strategy for all of American female athletes. It was called title IX, probably one of the most successful pieces of legislation that has ever come out of this body. Signed into law in

1972, title IX's 37 words empowered women to win by leveling the playing field and providing them access to the same opportunities as young men.

I believe those words are worth repeating today to remind this body of their importance:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

Those sometimes on the left argue that allowing males to compete against females makes sports more inclusive. I don't believe that. The opposite, to me, is true. Forcing females to compete against males destroys the level playing field created by law. It would exclude young women from the safety and fairness that they deserve. Title IX's success would be undone if this continues to happen, and that success that title IX is and has been is undeniable.

Since its enactment, participation in female sports has increased by more than 600 percent. Think about that now. In 50 years, because of title IX, the participation in women's sports has increased 600 percent, and the number of female college graduates in the United States increased dramatically from 8 to 40 percent. You don't see things like that happen. Title IX has afforded many women the opportunity to receive athletic scholarships and become our engineers, our doctors, our lawyers, and our leaders, without the burden of having college debt.

Sadly, title IX is being attacked by activists who care more about politics than what is best for women and girls. The U.S. Department of Education is caving—is giving in—to progressive activists and moving ahead with plans to force schools to allow biological males to share locker rooms and compete in women's sports. This irrational and unprecedented move comes despite record numbers of educators, parents, and athletes who have voiced their concerns about the disastrous impact that this would have on female athletes of all ages.

The Department of Education, President Biden, and my colleagues on the left in Congress have ignored those concerns because they care more about appeasing activists and the progressive left than actually protecting young women. I just can't understand this. It is shameful.

Beginning next year, coaches will be forced to decide between opening up locker rooms to biological males or face dire consequences. Allowing biological males to compete against young women is unfair, it is unsafe, and it is wrong. We can't look Americans in the eye and honestly say we support female athletes if we stand by as they are forced into uncomfortable settings they do not deserve, and we can't tell young women we want them to succeed if we allow the radical left to push them to the sidelines of their

sports and take away their future opportunities for scholarships and fair competition. It is not the American way.

If you visited my hometown of Auburn, AL, on a Friday night over the past few months, you would see an arena—thousands of people—full of excited young girls watching the Auburn gymnastics team. Many of them dream of becoming Olympic gymnasts—gymnasts just like Suni Lee, who is an Olympic Gold medalist.

Others make the trip to the University of Alabama in Tuscaloosa to see the World Games and to see Montana Fouts on the mound, aspiring to one day become a star softball pitcher at a higher level.

Our girls and young women should be able to continue to dream and compete. Taking away their title IX protections by twisting the law could strip those opportunities for female athletes across our great country.

Since 2003, biological men have won 28 women's sports titles. Let me read that again. Since 2003, biological men have won 28 women's sports titles. We have all heard from athletes like Riley Gaines, the college swimmer who, this past year, bravely spoke out after being forced to share a locker room and the awards podium with a swimmer who had the unfair advantage of swimming in a male body.

Over the weekend, we learned that a judge in Minnesota has ordered the U.S.A. power lifting teams to allow biological men to compete against female power lifters.

Where will this end? When will we step up and say enough is enough? Congress must act to save title IX and make sure competition is safe and fair for everyone, including girls and women. This is why, last week, I reintroduced the Protection of Women and Girls in Sports Act. This legislation would require institutions to recognize an athlete's gender solely based on what it is at birth or else be banned from receiving Federal funding.

You know, it sounds absurd even to me to say, but, sadly, this legislation is now necessary to preserve title IX for current and future female athletes. It is really sad.

I am thankful for those colleagues here in the Senate who have joined me in standing up for women's sports, and I hope that others will join our efforts in the future.

We have to save title IX. We have to save young girls and women to be able to participate on the same level, with the same funding and access to coaches, as men. Millions of young girls and women are looking to us in this body and to the people across this country, looking to us to stand up for them and that starts with action to ensure that the playing field remains level for generations and generations to come.

This Senate must take up this crucial legislation and help every young woman and young girl in this great country that we live in.

Madam President, I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 61.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Daniel I. Werfel, of the District of Columbia, to be Commissioner of Internal Revenue for the term expiring November 12, 2027.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 61, Daniel I. Werfel, of the District of Columbia, to be Commissioner of Internal Revenue for the term expiring November 12, 2027.

Charles E. Schumer, Ron Wyden, Catherine Cortez Masto, Richard J. Durbin, Sheldon Whitehouse, Sherrod Brown, Margaret Wood Hassan, Raphael G. Warnock, Gary C. Peters, Jack Reed, Brian Schatz, Tina Smith, Ben Ray Lujan, Elizabeth Warren, Christopher A. Coons, Martin Heinrich, Christopher Murphy, Tammy Baldwin.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, March 6, be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS

Mr. SCHUMER. Madam President, so, this Thursday, President Biden will release the third budget proposal of his Presidency, one of the most important chances all year to emphasize the contrast between Democrats' and Republicans' vision for the country.

When Americans see President Biden's budget proposal and compare it to the nasty plans coming from Republicans, the contrast will be glaring and unmistakable.

First, President Biden's budget will focus on creating opportunity for aver-

age Americans. He will keep his promise not to raise taxes for anyone making less than \$400,000 a year. He will show how Democrats will keep Medicare solvent for another two decades. And he will lay out a plan—a realistic, serious plan—for lowering the deficit by \$2 trillion over the next 10 years.

Republicans love to talk about cutting the deficit, but Democrats have actually done it. The Inflation Reduction Act lowered the deficit by hundreds of billions of dollars, and we cut the deficit while also cutting prescription drug costs and expanding tax credits for millions of middle-class families.

Now, compare President Biden's budget to the nasty vision laid out by our Republican friends. While the President's budget will keep taxes and costs low for the vast majority of families, Republicans went on record wanting to raise taxes by 30 percent for millions of Americans through their recent national sales tax proposal.

While the President promised no new taxes for people making under \$400,000, the very first bill House Republicans passed helped rich tax cheats get away with paying little or nothing in taxes. And while President Biden and Democrats have been clear that Social Security and Medicare are not on the table, Republicans have proposed raising the retirement age and privatizing certain elements of Medicare. The result: fewer benefits for retirees, higher premiums for Medicare beneficiaries.

We cannot overlook the threat Republicans also pose to Medicaid, which tens of millions of middle-class Americans rely on to ease the burden of paying for nursing homes and assisted living. Democrats want to preserve and strengthen Medicaid, but Republican proposals would cut Medicaid by \$2.2 trillion and end coverage for millions of Americans. That average middle-class family—let's say they are 40, 50 years old, and they are worried about paying for the kids' college, but they also have a parent in a nursing home. Right now, Medicaid would pay for it if the parent doesn't have the resources. With these cuts, that burden will fall on tens of millions of American families in the prime of life.

Finally, the President will make clear that in order to strengthen Social Security and Medicare and to lower the deficit responsibly, the ultrarich must pay their fair share. There is no—no—conceivable scenario where wealthy CEOs should ever pay a lower rate than nurses and teachers and firefighters, but that is precisely how Republicans preferred it when they cut taxes for the ultrarich under Donald Trump.

It is as if Republicans care more about making sure the rich stay rich than they do about building ladders to the middle class, than they do about keeping middle-class people in that position.

Now, when President Biden called out Republicans for targeting Social Security and Medicare, they erupted

with feigned outrage during his State of the Union. But, to this day, Speaker McCARTHY and House Republican leadership have failed to present their own plan to the American people.

Speaker McCARTHY, it is now March 6. Where is your plan? Speaker McCarthy, where is your plan? The President is about to release his budget. Are you going to release yours anytime soon? Enough with the dodging. Enough with the excuses. Show us your plan, and then show us how it is going to get 218 votes on your side of the aisle.

Americans deserve to see for themselves what Democrats and Republicans propose for the future of the country. Republicans should come clean with the American people about what cuts they are pushing and explain how those cuts will cause unnecessary pain for millions of Americans across the country.

RAIL SAFETY

Madam President, now on rail safety, it is a busy time for the Senate, as we get to the bottom of what went wrong last month in East Palestine.

Last week, my colleagues Senator BROWN, a Democrat, and Senator VANCE, a Republican, introduced the bipartisan Railway Safety Act of 2023. I promise to work with them and with colleagues on both sides to push this bill forward.

This Thursday, the Environment and Public Works Committee, under the able leadership of Chairman CARPER, will also hear from Norfolk Southern's CEO Alan Shaw. I expect a candid, honest, clear-eyed discussion about how we can prevent another East Palestine in the future. And while I am glad that Norfolk Southern's CEO is testifying, we cannot have an open debate, an honest debate, in Congress about rail safety unless Republicans acknowledge how they spent years opposing safety rules intended to prevent accidents similar to the one in Ohio.

The story of rail safety deregulation over the last decade has been a disturbing tale of Republicans placing profits over people and currying favor with the rail lobby, all at the expense of workers' and families' safety.

As far back as the Obama administration, Republicans pushed numerous bills to weaken environmental standards, delay safety upgrades, and even prohibit—prohibit—Federal funding for Amtrak.

Under President Trump's watch, it became easier to transport flammable liquids and hazardous materials without proper oversight. Under President Trump's watch, it also became easier to cut back on staffing requirements while operating a train. And it was the Trump administration that killed proposals to expand electronic brake requirements across the industry. The reason for that delay? The Trump administration thought it was "not economically justified."

You can't come up with a better slogan for Republicans' attitude toward rail safety than this: not economically

justified. Imagine the message that sends to small towns across America like East Palestine, with rail lines running right through them.

I want to be clear. A full investigation into the cause of the East Palestine derailment must be complete before we know the specifics behind the accident, but it doesn't take an expert to see that, if you spend years trying to cut back safety regulations, if you spend years doing the bidding of the rail lobby, then, in the long run, communities like East Palestine are at greater risk of accidents—and so are so many of my communities in upstate New York, where two of the major national rail lines run through the State, one across the center of the State near where the Erie Canal ran, going through Buffalo, Rochester, Syracuse, Utica, Albany, and down the Hudson River; and the other across the southern tier.

In fact, now, this weekend, we saw yet another Norfolk Southern derailment in Ohio, near Springfield. Thank God, nobody was hurt.

So I look forward to hearing from Norfolk Southern's CEO this week. I look forward to working with both sides to increase rail safety through legislation. But Republicans need to acknowledge that accidents like the one in East Palestine don't happen out of the blue. They become more likely when maximizing profits is crowned king above everything else, even above people's safety.

NOMINATION OF DANIEL I. WERFEL

Madam President, on the IRS Commissioner, today I filed cloture on the nomination of Daniel Werfel to serve as Commissioner for the IRS.

For the information of all Senators, this will set up the first procedural vote on this nominee as early as Wednesday.

Mr. Werfel was reported out of the committee with bipartisan support, and it should be no different on the Senate floor. Confirming someone as qualified as Mr. Werfel as IRS Commissioner is crucial to making sure Americans take full advantage of all the tax credits we approved last year through legislation like the CHIPS and Science bill. It is also crucial for deploying resources we approved to go after rich cheats and ensure middle-class families are not needlessly audited while those at the top get by scot-free.

The Senate has a responsibility to make sure the IRS is fully staffed to handle its enormous workload—all the more important this year because of the new tax credits we approved through bills like CHIPS and Science last Congress.

SPECTRUM AUCTION AUTHORITY

Madam President, finally, on spectrum, Senators from both sides of the aisle are working to approve a 60-day extension of the FCC's spectrum auction authority by the March 9 deadline. The House recently passed a 60-day extension by voice vote. We are working right now to get the Senate to act

quickly in order to give both sides more time to arrive at a larger comprehensive agreement.

Congress has never before allowed the FCC spectrum auction authority to lapse, and to let it happen for the first time would be disastrous. Spectrum is essential for building out 5G capabilities. Its application impacts everything from families' internet access to satellite communications, all the way down to baby monitors.

I expect both sides will come to an agreement very soon to approve a 60-day extension before the March 9 deadline.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BORDER SECURITY

Mr. CORNYN. Madam President, last Thursday and Friday, I hosted several of our Senate colleagues for a visit to Texas's southern border. As you can see, Senators THUNE, WICKER, FISCHER, BRITT, and RICKETTS joined me for a series of tours and meetings in the Rio Grande Valley. This followed a bipartisan visit that we made to El Paso and Yuma just a few weeks ago.

So far, I have been happy to host, along with Senator CRUZ, about 10 separate delegations to the border. Each of those Senators saw a beautiful and vibrant region overwhelmed by the burden it has been handed by the Federal Government.

Since President Biden took office, border communities and our entire State, for that matter, has been forced to carry the massive weight of a humanitarian and security crisis. Border communities are left with no choice but to provide food, clothing and shelter, medical care, and transportation for tens of thousands of migrants each week. And they are forced to use their local tax dollars toward costs that really should be borne by the Federal Government. And, of course, they are left to wonder how this crisis is impacting the safety of their communities.

During our conversations last week, law enforcement officers shared their concerns about the security breakdowns along the border. Given the overwhelming number of people entering our country every day, Border Patrol has to respond and reposition with its limited personnel. As a result, highly trained law enforcement officers are shifted from the frontlines to pushing paper. Agents who should be arresting cartel members who attempt to traffic drugs in our country are now spending their days on administrative duties.

And 108,000 Americans died just last year alone from drugs coming across the border. Of course, this isn't a coin-

cidence; this is a plan. The cartels are smart. They are shrewd. They are scheming, and they are in pursuit of the almighty dollar. They orchestrate migration surges in specific areas to flood the zone and overwhelm law enforcement so they can take advantage of unpatrolled areas nearby.

When we arrived Thursday night, we saw firsthand the sheer volume and diversity of migrants whom agents were apprehending, from a 6-month-old baby to single adult males. And previously, we had seen sections of the border, like Yuma, AZ, where migrants from more than 150 countries show up and claim asylum.

Of course, this is part of the overwhelming strategy of the cartels. Their strategy is to distract and overwhelm. While professional law enforcement agents are busy processing and transporting migrants, cartels can smuggle heroin, fentanyl, and Heaven knows what else across the border. It is all part of a game plan by the cartels, and the Biden administration is getting played.

But this isn't news to the people who live and work along the border. They have seen this happening for the last 2 years, but without the support of President Biden, they are powerless to stop it on their own.

On Friday, we spoke with local, State, and Federal law enforcement about the far-reaching security impact of this broken border. The fentanyl that comes across the border doesn't stay in border communities. It moves to cities and towns across the country, mainly distributed by criminal street gangs that then battle each other for market share, for territory, and, of course, engage in a whole host of other crimes, too, but selling drugs is how they pay for much of it.

These local and State and Federal officials weren't just concerned about this poison slipping across the border but dangerous criminals who come across too. Last year, Customs and Border Protection arrested more than 750 criminal gang members and 98 people who were on the terrorist watch list. We all remember what happened not that long ago—20 years ago now, I guess—on 9/11, when fewer terrorists than that hit the World Trade Center and the Pentagon, killing 3,000 Americans. But the Biden administration seems to be completely oblivious to the potential threat of people on the terrorist watch list making their way into the United States undetected. You can't help but wonder how many people are able to sneak into our country undetected while law enforcement is distracted caring for migrants—hundreds of thousands of migrants or what Border Patrol calls "got-aways," people who are running away from law enforcement, and it doesn't take any imagination to wonder why.

The current state of affairs is unsustainable, but President Biden continues to promote the false narrative that only Congress can fix this

border crisis. During his State of the Union last month, President Biden even said:

America's border problems won't be fixed until Congress acts.

But that myth is easy to debunk. Just compare what we are seeing now to what we saw during the previous administration.

During President Biden's first 2 years in office, Customs and Border Protection encountered nearly 4.7 million migrants at the southern border, an absolutely unprecedented and astonishing figure. But during the first 2 years of the Trump administration, the Agency reported fewer than 950,000 encounters. From one administration to the next, we saw from 950 to 4.7 million. Congress did not pass any sweeping immigration laws in the interim. There hasn't been any major legislation that might have caused this dramatic increase or restricted the administration's ability to respond to it.

Despite the fact that President Biden was dealt the exact same hand when it comes to his authorities at the border, we have experienced nearly 4½ times as many border crossings under his Presidency—4½ times.

So this crisis wasn't created by Congress, and Congress is not the problem when it comes to solutions. It is the Biden border crisis, and only he can fix it.

We don't need to completely rewrite our immigration laws in order to fix the humanitarian and security crisis at the border. President Biden needs to do what other administrations have done: enforce the laws already on the books. The administration needs to get serious about things like expedited removals and ensure that those with invalid asylum claims are quickly removed from the United States. The administration needs to increase detention space so frontline personnel have the capacity to actually carry out their job. They need to stop paroling or essentially waving people into the United States to wait for an appointment with Immigration and Customs Enforcement that is years away because of the backlog.

Time and time again, the Border Patrol tells me that what is missing now that existed previously were consequences—consequences with coming to the United States illegally or by exploiting our asylum system. There were consequences, and that offered a deterrent effect on millions of people who are now coming to the border.

By taking a few simple actions, the Biden administration could send a clear message to anyone considering crossing our border: Unless you have a legitimate reason to be here, you will not be able to stay. That is the very essence of consequences. Deterrence is a key component of a safe and secure border, and until the administration starts deterring would-be migrants with frivolous asylum claims from crossing the border, we will remain in a constant state of crisis.

To be clear, I am not suggesting Congress should just sit on the sidelines. We have an important role to play too. For one thing, there is obviously a need to improve border security. We need to strengthen the combination of technology, infrastructure, and boots on the ground that is the recipe for closing the security gaps that are being exploited every day.

Last week, law enforcement told us, in no uncertain terms, that they need additional resources, and providing those resources should be a top priority. But Congress also needs to address the glaring problems with our asylum system that are being exploited massively.

In the Yuma sector, where I traveled with the bipartisan delegation just weeks ago, the Border Patrol Sector Chief told us that 17 people from 176 countries, speaking 200 languages, were coming through the Yuma Border Patrol Sector and claiming asylum because they knew they would be released to the interior of the United States.

That is a broken asylum system, especially when, once people ultimately do appear in front of an immigration judge, no more than 15 percent to 20 percent of those will have those asylum claims validated, which means 75 percent to 80 percent or so are staying in the country awaiting a future asylum hearing without any legitimate claim to asylum.

One of the places we visited was a Border Patrol processing center. You can see that here. We saw just how overwhelmed the Border Patrol is by the number of people they have to process. We discussed the growing backlog of cases and the fact that it will be years, if ever, that these cases will ultimately appear in front of an immigration judge. That is unfair to the individuals and families with legitimate asylum claims who have to live in a constant state of uncertainty for years because this system is simply so underwater and dysfunctional. It is also unfair to those who do not qualify for asylum and whose claims will ultimately be rejected. They will end up spending years living and working in the United States only to be told at some point in the future that they have to leave.

But the dirty secret—and it is not a secret—is that many people will simply not show up for that future court date, knowing that, thanks to the Biden administration's open borders and non-enforcement policy, they will likely be able to stay in the United States, even though they don't appear in front of an immigration judge at some point in the future.

There are a lot of problems that Congress can and should solve, but the current border crisis does not hinge on all those reforms.

I appreciate my colleagues coming to Texas to visit our southern border, the ones who did last week and the many others who joined recently on a bipar-

tisan basis. I think it is important for every Senator to see what is happening at the southern border. But the constant refrain I hear is because of the drugs being imported into the United States that are being distributed virtually throughout the country—what I keep hearing people say is every State is now effectively a border State, and every city, including Washington, DC, New York, and Chicago, where many of these migrants have been bused because that is where they requested to await their future hearing—all those are border cities, in effect, as well. The problem does not stay at the border. The problem is all across the country, thanks to the message that the Biden administration is sending that there is no reason not to come. In fact, if you do come, you are likely to be successful in staying.

It is simply unfair to the professionals who work on the border who are overwhelmed by the burden they have been asked to carry and frustrated beyond belief by the lack of support that they receive from this administration. Essentially, what the Border Patrol has been told, in so many words, is: You hired on to do a job, an important law enforcement job, but we are going to shackle you and prevent you from actually doing the job that you entered the Border Patrol to do because we are not going to embrace the right policies, and we are not going to provide enough resources for you to actually do your job and succeed in doing your job.

Communities across the U.S.-Mexico border are dealing with the fallout from the administration's policy failures and, as I said a moment ago, the Biden administration has tools at its disposal to address this crisis without any action from Congress, and it is time to put those to use.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. BLACKBURN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mrs. BLACKBURN. Madam President, in the months leading up to the 2020 election, Joe Biden distanced himself from the far-left wing of the Democratic Party and pitched himself as a moderate, and for the most part, the media happily played along right until day 1 of the Biden administration—when Joe Biden handed the reins to the most radical slate of nominees this country has ever seen.

The Democrats claim that this administration is transformative, but that is not what Tennesseans believe. All they see is a President who is not in control of his government and a host of unelected bureaucrats on a mission to rip apart this country and to rebuild it in their image. That is the kind of

transformation they are carrying out in this country.

This complete disregard for the American people was on display last week during Attorney General Merrick Garland's testimony before the Senate Judiciary Committee. It became clear to me from listening to his testimony and reviewing his tenure as our Attorney General that he has truly created a two-tiered system of justice in this country—two systems of justice, two different types of investigations.

Now, under these two separate tiers of investigations and response and justice, there is one standard that applies to people of faith, to parents, to conservatives—really, the heartland of America—and then there is a separate standard for the liberal political elite—people who are after power, people who want to control your life.

Since the Dobbs opinion leak, violence and threats of violence have increased among far-left groups but not among pro-life and conservative groups. Still, the Garland DOJ has targeted pro-life advocates for investigation, prosecution, and even full-scale FBI raids. Let me give you some examples of this. Over 70 pro-life pregnancy centers have been targeted by leftwing activists; yet only 2 individuals have been indicted. Compare that with 25 pro-life advocates indicted under the FACE Act just in the last 5 months.

The Attorney General has been keeping very close tabs on the pro-life community. As I said, there are 25 who are being prosecuted while only 2 are being prosecuted after having carried out 70 acts of vandalism against pro-life pregnancy centers and churches. But he is watching this pro-life community very closely, so I admit I was a little taken aback when he claimed in his testimony that he was completely unaware of a widely reported attack on a crisis pregnancy center in Nashville.

The far-left abortion advocacy group Jane's Revenge appears to have claimed responsibility for the fire-bombing attempt on the Hope Clinic for Women, but the Attorney General is still unwilling to classify this group as a domestic terrorist organization. You heard me right. They fire-bombed a pro-life pregnancy center—a center there to help women with healthcare, to provide diapers for newborns, formula for babies. This group, Jane's Revenge—they were so proud of their work that they spray-painted their name on the walls and took credit for it.

Now, Mr. Garland likes to throw around the label "domestic terrorist" when it comes to parents who are concerned about what their children are being taught in school, but he will not use it to condemn far-left radicals who attempt to burn down a crisis pregnancy center. The American public should find this appalling and completely unacceptable. Tennesseans find this unacceptable.

It is also unacceptable that he won't enforce the Federal law that explicitly

prohibits protesters from intimidating our Supreme Court Justices. That is right—there is a Federal statute against this, but he is not prosecuting these individuals. Five Justices and their families have endured unimaginable harassment from the constant protesting outside of their private homes. One Justice has even fallen victim to an assassination attempt, but no one—not one, zero, no one—has been indicted or prosecuted. This is a Federal crime. It is a law on the books.

This is two tiers of justice at work. The American people can see this, and when I am at home in Tennessee, I hear a lot about this. It doesn't matter what side of the political spectrum someone sits on. I hear complaints about this two tiers of justice from Republicans, Democrats, Independents. The reason you do is that people know, sometimes when you establish such a precedent, that it leads to areas you don't want to go and seeing that continue. We are a nation of laws that believes in the rule of law.

Here are more examples of this two tiers of justice. Pro-life advocates are being targeted for prosecution and arrest while far-left, pro-abortion radicals are free to commit violence in our communities. Concerned parents are labeled domestic terrorists. Our Supreme Court Justices, who are subject to relentless protests outside of their homes, are not being protected, and there is not a bit of concern from the country's chief law enforcement officer. I ask you, does that sound like normal conduct to you? Of course not.

It was, as Chairman DURBIN said after another recent meeting of the Judiciary Committee, a rough hearing.

Conditions weren't much better over in the Commerce Committee last week, where my Republican colleagues and I truly struggled to see why President Biden had nominated someone with only a year and a half of aviation experience to lead the FAA. That is right—a year and a half of aviation experience to lead our Federal Aviation Administration. Phil Washington's only relevant experience amounts to a year-and-a-half stint at the Denver Airport. He is totally unqualified to lead an Agency that is desperate for true leadership.

The FAA's main mission is to protect and ensure the safety of the flying public, but instead of prioritizing safety, what has Mr. Washington chosen to prioritize in Denver? Well, Mr. Washington's goal is to enshrine diversity, equity, and inclusion policies at the Federal level.

During his hearing, I asked him why he included DEI policies in Denver Airport's procurement process. That is right—procurement. The FAA's current process, which is already terribly long and convoluted, would nearly collapse under the effects of a DEI mandate, but Mr. Washington made it clear he believes that, while the FAA should, indeed, focus on problems like the NOTAM incident and making sure

planes don't crash into each other, he would redirect needed attention toward a controversial and unpopular, woke crusade that would do nothing to improve the safety of the flying public.

The administration needs to go back to the drawing board and send the Senate a nominee with true aviation safety experience.

Unfortunately, a lack of experience was the least of our concerns in the case of another Biden nominee who moved through the Senate last week. On Thursday, the Finance Committee voted to advance the nomination of Danny Werfel to be Commissioner of the IRS.

The IRS has a long history of doing whatever it decides it wants to do, from the Lois Lerner scandal, which Mr. Werfel is very familiar with, to last year when the IRS decided to destroy 30 million taxpayer documents—something we only know about because the Treasury's inspector general alerted us. The IRS did not alert Congress.

The IRS has been out of control for too long, and the fact that we have seen this Agency move forward on a so-called transformative agenda without a confirmed Commissioner in charge is proof that in this administration—you have people in that White House who are not sending forward nominees who have the relevant experience and who are qualified to do the job to which they are being appointed.

While I commend Mr. Werfel for being willing to serve our country, his responses during the confirmation hearing and the information he submitted in writing did little to inspire confidence in his willingness to take back control of this Agency.

Tennesseans have serious concerns about how the IRS plans to use that \$80 billion blank check that the Democrats gave them this year. They know that under the current regime, this will lead to more audits and more harassment not of big corporations but of—guess what—small businesses, gig economy workers, and Main Street merchants. Meanwhile, taxpayers are sitting ducks for hackers and other bad actors who have found it far too easy to access and steal data from the IRS's own systems.

The American people are entitled to know how any nominee, asking to lead this Agency, will approach the job. The last thing they want to be told is, well, just wait and see.

And there you have it—1 week of damage and disregard for the American people, courtesy of President Joe Biden and the Senate Democrats.

There is only one way that the Biden administration will be able to earn back the confidence of the American people, and that is to start respecting the norms and institutions that our great Nation is built upon. This will require everyone from the President on down to discipline themselves and show the same common sense that Tennesseans show every day as they stretch their budgets to try to deal with high inflation, the prices at the

grocery store, and the price at the pump as they try to work through dealing with crime in their communities courtesy of the gangs coming in over the southern border and with drugs running into our communities—again, coming over that open southern border.

I am not optimistic that President Biden and the Democrats are going to buckle down and be serious about securing our border and about bringing forward nominees who are competent and ready to serve in this administration or judges who have the relevant experience to serve on a Federal bench, but I welcome the Democrats to buckle down, get serious, and take governing seriously. Let's make certain that they bring forward people who are going to do the job with respect for the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HIRONO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAINÉ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ROBERT STEWART BALLOU

Mr. KAINÉ. Madam President, I rise today in support of Magistrate Judge Robert Ballou of Virginia, nominee to be U.S. district judge for the Western District of Virginia. In about 10 minutes, we will move into a cloture vote to advance his nomination, and I am proud to stand in support of this great jurist.

Judge Ballou has deep and abiding ties to the Commonwealth. He was born in Roanoke, VA, just like my wife, and he graduated from the University of Virginia and then from UVA Law School.

Other than a judicial clerkship for the late Judge Peter Beer on the U.S. District Court for the Eastern District of Louisiana, Judge Ballou has spent his entire 35-year legal career in Virginia. Following that clerkship, Judge Ballou worked in private practice in both Richmond and Roanoke from 1988 through 2011. He built a successful civil litigation practice, and he regularly appeared in State and Federal courts.

Judge Ballou became a U.S. magistrate judge for the Western District of Virginia in 2011. Madam President is a lawyer and, I know, understands the role that magistrates play in the Federal court system. First, they usually have to go through a fairly rigorous application process where they are chosen by the sitting article 3 judges in the court to serve in the magistrate's role. And, second, once they are on, they have a wide variety of responsibilities in criminal procedure, in pretrial practice in civil cases, in mediations to try to help litigants find a path forward without the need for trials.

Judge Ballou is extremely well-regarded for his 12-year service as a magistrate judge. And one of the things

that being a magistrate gets you is it gets you the opportunity to be before so many litigants and practitioners in the court—in this case, the Western District of Virginia—that, when you are up for consideration for a judgeship, there are a whole lot of reviews out there about whether or not you have got the judicial temperament, the work ethic, the fairness to be a good article 3 judge.

In over a decade as a magistrate, Judge Ballou has developed a sterling reputation on the bench. He is well-known. He is respected in the Western District of Virginia for running his courtroom in a fair and efficient manner while ensuring that all parties, even low-income people who might be unrepresented—often there are pro se cases before Federal courts—all parties are respected and heard.

The American Bar Association unanimously granted to Judge Ballou its highest rating of "Well Qualified" for this nomination.

Judge Ballou enjoys broad and deep support across the Virginia legal community. For example, former U.S. attorneys for the Western District of Virginia, who served under both Democratic and Republican administrations for the last 20 years, wrote that Judge Ballou "enjoys the highest reputation in the legal community for his intelligence, thoughtfulness, and preparation. Judge Ballou has consistently displayed the temperament, character and work ethic necessary to make an outstanding judge."

The observation is echoed in the letters of support from civil and criminal attorneys practicing in the Western District of Virginia, representing a wide range of litigants.

One other thing that I just want to say about Judge Ballou that impressed me: This is the second time that Senator WARNER and I, following a process that we use where we pull together lawyers from the district to interview candidates—it is the second time we have recommended him to the White House for a nomination to be an article 3 judge.

The first time, the White House went a different direction. Sometimes that happens, and people say: OK, well, I am not interested anymore.

I give credit to Judge Ballou that, after we recommended him—and you recommend multiple candidates, and not everybody gets it—he hung in there. That has been the case with some of the other nominees that Senator WARNER and I have recommended. The ones that hang in there and who eventually get to the bench do a great job, and I am absolutely convinced that Judge Ballou, who received wide bipartisan support in the Judiciary Committee when he was up before the committee—I am absolutely confident he is going to do a great job in this position.

I urge my colleagues to confirm him. With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I want to thank my friend—is it 43 years?—Senator KAINÉ for his comments.

I apologize to the Presiding Officer and folks up front that I didn't hear all his comments. So you may be hearing from me a bit of repetition of what TIM has already said, but I think, in terms of Judge Ballou, who Senator KAINÉ has already mentioned, a little bit of repetition might be appropriate.

I also join with Senator KAINÉ in urging all my colleagues, in about 8 minutes, to support President Biden's choice to serve as a U.S. District Court judge for the Western District of Virginia. He really is—Bob Ballou is a pillar of the Virginia legal community.

I want to start with where Senator KAINÉ left off. He went through our whole vetting process under the Trump administration. And the fact that someone has, at least in terms of our criteria, I think, qualified as an extraordinarily competent, well-suited individual under both President Trump and President Biden is a real credit. And I give the White House credit for moving forward and putting his name forward.

I think Senator KAINÉ has already mentioned the fact that he got bipartisan support in committee, something that, unfortunately, is becoming rarer and rarer; but, as probably has already been indicated, this is the kind of individual who has both the legal acumen and the temperament, I think, to be a great judge.

He is a Virginia native, originally from Roanoke, a two-time UVA graduate. Following his time at UVA and UVA Law School, he originally clerked for Judge Peter Beer of the U.S. District Court for the Eastern District of Louisiana.

Following this brief stint outside of Virginia, he returned to private practice in Richmond and Roanoke, where he litigated complex civil issues.

In 2011, he was selected by the article 3 judges of the Western District to support as a magistrate judge. Over the past 12 years, Judge Ballou has continued earning the respect and admiration of those article 3 judges that, hopefully, after the next few days, he will actually serve with and, I think, will do, again, a great job.

He will be replacing retiring Judge Jones. Senator KAINÉ and I both have had the pleasure—and I think Senator KAINÉ actually may have practiced with him occasionally. But they are big shoes to fill, and he will do that.

Again, as has been mentioned, Judge Ballou has been really known as a magistrate judge for his temperament, the fact that lawyers who appear in his courtroom indicate that he works diligently, he always has an open mind, and he has a real sense of fairness.

He loves Southwest Virginia. His father had served as a State court judge. He has been very involved in community and charitable activities throughout the whole region.

This is, I think, a man whose time has come. I wish he would have been already on the bench. We will have a chance to rectify that with our move to cloture today and then, hopefully, in a couple of days later, his confirmation as a judge from the Western District of Virginia.

So I heartily join my friend Senator KAINE and urge the confirmation of Judge Ballou as a judge to the Western District of Virginia.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 31, Robert Stewart Ballou, of Virginia, to be United States District Judge for the Western District of Virginia.

Charles E. Schumer, Richard J. Durbin, Catherine Cortez Masto, Sheldon Whitehouse, Sherrod Brown, Margaret Wood Hassan, Raphael G. Warnock, Gary C. Peters, Jack Reed, Christopher A. Coons, Brian Schatz, Tina Smith, Ben Ray Lujan, Elizabeth Warren, Martin Heinrich, Christopher Murphy, Tammy Baldwin, Alex Padilla.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robert Stewart Ballou, of Virginia, to be United States District Judge for the Western District of Virginia, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Idaho (Mr. RISCH), and the Senator from Alaska (Mr. SULLIVAN).

The yeas and nays resulted—yeas 59, nays 35, as follows:

[Rollcall Vote No. 40 Ex.]

YEAS—59

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Romney
Blumenthal	Hirono	Rosen
Booker	Kaine	Rounds
Brown	Kelly	Schatz
Cantwell	Kennedy	Schumer
Capito	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	McConnell	Tillis
Cornyn	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Gillibrand	Murray	Welch
Graham	Ossoff	Whitehouse
Grassley	Padilla	Wyden
Hassan	Peters	

NAYS—35

Blackburn	Fischer	Paul
Boozman	Hagerty	Ricketts
Braun	Hawley	Rubio
Britt	Hoeven	Schmitt
Budd	Hyde-Smith	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cotton	Lankford	Thune
Cramer	Lee	Tuberville
Crapo	Lummis	Vance
Cruz	Marshall	Wicker
Daines	Moran	Young
Ernst	Mullin	

NOT VOTING—6

Barrasso	Fetterman	Sanders
Feinstein	Risch	Sullivan

The PRESIDING OFFICER (Ms. SMITH). On this vote, the yeas are 59, the nays are 35.

The motion is agreed to.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. CASEY. Madam President, on February 14, I successfully underwent surgery for prostate cancer. I am grateful to the doctors and other medical professionals who provided me with excellent care, and I am glad to be back in the Senate working for the people of Pennsylvania. As the result of my medical treatment, I required several weeks of recovery and thus missed several votes in the Senate. The outcome of these votes was unaffected by my absence, but I wish for the record to show, had I not been absent due to my cancer treatment and recovery, how I would have voted on the following votes: yea on vote number 11, on the confirmation of Gina R. Mendez-Miro to be U.S. District Judge for the District of Puerto Rico; yea on vote number 12, on the motion to invoke cloture on Lindsay C. Jenkins to be U.S. Dis-

trict Judge for the Northern District of Illinois; yea on vote number 13, on the confirmation of Lindsay C. Jenkins to be U.S. District Judge for the Northern District of Illinois; yea on vote number 14, on the motion to invoke cloture on Matthew L. Garcia to be U.S. District Judge for the District of New Mexico; yea on vote number 15, on the confirmation of Matthew L. Garcia to be U.S. District Judge for the District of New Mexico; yea on vote number 16, on the motion to invoke cloture on Adrienne C. Nelson to be U.S. District Judge for the District of Oregon; yea on vote number 17, on confirmation of Adrienne C. Nelson to be U.S. District Judge for the District of Oregon; yea on vote 18, on the motion to invoke cloture on Ana C. Reyes to be U.S. District Judge for the District of Columbia; yea on vote 19, on the motion to invoke cloture on Daniel J. Calabretta to be U.S. District Judge for the Eastern District of California; yea on vote 20, on confirmation of Ana C. Reyes to be U.S. District Judge for the District of Columbia; yea on vote 21, on the motion to invoke cloture on Lester Martinez Lopez to be an Assistant Secretary of Defense; yea on vote 22, on confirmation of Daniel J. Calabretta to be U.S. District Judge for the Eastern District of California; yea on vote 23, on the confirmation of Lester Martinez-Lopez to be an Assistant Secretary of Defense; yea on vote number 24, on the motion to invoke cloture on the nomination of Maria Araujo Kahn to be U.S. Circuit Judge for the Second Circuit.

Due to my medical treatment on February 14, I also missed committee hearings and other Senate business when the Senate was in session from February 14 to February 17.

ADDITIONAL STATEMENTS

TRIBUTE TO CORPORAL JIMMY SULLIVAN

• Mr. TUBERVILLE. Madam President, for some veterans, serving their country meant foregoing their own dreams so that millions of Americans would have the opportunity to pursue theirs. That is true for U.S. Marine Cpl Jimmy Sullivan of Foley, a star linebacker at Vigor High School in Mobile, who always dreamed of playing football for Coach Paul "Bear" Bryant at the University of Alabama.

But when the offer letter came from Coach Bryant, Corporal Sullivan knew that he could not accept because he saw the many Americans who were dying in the Vietnam war. So instead of following his dream to play college football, he dropped out of high school to enlist in the U.S. Marine Corps at the age of 18.

The two-time Purple Heart recipient recalls several close calls during his 2 years in Vietnam, but a particular experience stands out in his mind. One foggy day while transporting deceased

American soldiers, Corporal Sullivan heard a voice repeatedly tell him to turn around. After looking around, he finally turned to discover an enemy soldier waiting in the bushes to attack him. Despite receiving multiple gunshot wounds from the encounter, he still believes that voice saved his life, making him one of the few from his company who returned home alive. Through it all, when you ask him about his military service, his response is "I wouldn't change ONE thing."

Not one to be idle, Corporal Sullivan became an operator for Chevron Oil Company and now works as a security guard for Sidwell Protection Services. In addition to being a beloved "Pop," Corporal Sullivan is actively involved in his congregation at Bibleway Assembly of God Church in Foley, where he serves as a deacon and helps in community outreach efforts. His grit and courage is an inspiration to us all.

I am proud to recognize Corporal Sullivan as the March Veteran of the Month.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Kelly, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the President Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 347. An act to require the Executive Office of the President to provide an inflation estimate with respect to Executive orders with a significant effect on the annual gross budget, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-633. A communication from the Chairman of the Council of the District of Columbia, transmitting, a letter relative to the withdrawal of the January 27, 2023 transmittal of D.C. Act 24-789, the Revised Criminal Code Act of 2022; to the Committee on Homeland Security and Governmental Affairs.

EC-634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25-13, "Tipped Minimum Wage Increase Implementation Clarification Temporary Amendment Act of 2023"; to the Com-

mittee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARPER (for himself, Mr. BOOKER, Mr. CARDIN, Mr. CASEY, and Mr. COONS):

S. 654. A bill to amend the Water Infrastructure Improvements for the Nation Act to reauthorize Delaware River Basin conservation programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. THUNE (for himself and Mr. CARPER):

S. 655. A bill to amend the Internal Revenue Code of 1986 to permit high deductible health plans to provide chronic disease prevention services to plan enrollees prior to satisfying their plan deductible; to the Committee on Finance.

By Mrs. FISCHER (for herself and Mr. PADILLA):

S. 656. A bill to amend title 38, United States Code, to revise the rules for approval by the Secretary of Veterans Affairs of commercial driver education programs for purposes of veterans education assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself, Mr. YOUNG, Mr. WYDEN, Mr. MORAN, and Mr. BROWN):

S. 657. A bill to amend the Internal Revenue Code of 1986 to establish a tax credit for neighborhood revitalization, and for other purposes; to the Committee on Finance.

By Mr. BOOKER (for himself and Mr. LEE):

S. 658. A bill to amend the Food Security Act of 1985 to make adjustments to the environmental quality incentives program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself and Mr. DURBIN):

S. 659. A bill to amend chapter 38 of title 31, United States Code, relating to civil remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. MARKEY:

S. 660. A bill to establish a program to increase drinking water and wastewater system threat preparedness and resilience, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MARKEY (for himself, Mr. MERKLEY, and Mr. SANDERS):

S. 661. A bill to require an interagency study on the environmental and energy impacts of crypto-asset mining, to assess crypto-asset mining compliance with the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

By Ms. ROSEN (for herself, Mrs. HYDE-SMITH, and Mr. KELLY):

S. 662. A bill to amend the Workforce Innovation and Opportunity Act to create a new national program to support mid-career workers, including workers from underrepresented populations, in reentering the STEM workforce, by providing funding to small- and medium-sized STEM businesses so the businesses can offer paid internships or other returnships that lead to positions above entry level; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURPHY (for himself and Ms. ERNST):

S. 663. A bill to amend title II of the Social Security Act to eliminate the waiting periods for disability insurance benefits and Medicare coverage for individuals with metastatic breast cancer, and for other purposes; to the Committee on Finance.

By Mr. CASSIDY (for himself, Mr. COONS, Ms. COLLINS, and Mr. KAINE):

S. 664. A bill to ensure that Social Security beneficiaries receive regular statements from the Social Security Administration, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Ms. COLLINS, Ms. ROSEN, Mr. TILLIS, Mr. KING, Mr. THUNE, Mr. MERKLEY, Mrs. CAPITO, Mr. COONS, Mr. PAUL, Mr. DURBIN, Mr. MORAN, Mrs. SHAHEEN, Mr. WICKER, Ms. SMITH, Mr. MARSHALL, Mr. BLUMENTHAL, Mr. CRAMER, and Mr. BOOZMAN):

S. 665. A bill to provide incentives to physicians to practice in rural and medically underserved communities, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. WARREN (for herself and Mr. MARKEY):

S. Res. 94. A resolution memorializing those lost to the COVID-19 pandemic; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. TESTER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 10, a bill to improve the workforce of the Department of Veterans Affairs, and for other purposes.

S. 127

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. WELCH) was added as a cosponsor of S. 127, a bill to prevent unfair and deceptive acts or practices and the dissemination of false information related to pharmacy benefit management services for prescription drugs, and for other purposes.

S. 176

At the request of Mr. KING, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 176, a bill to amend the Agricultural Trade Act of 1978 to extend and expand the Market Access Program and the Foreign Market Development Cooperator Program.

S. 252

At the request of Mr. MARKEY, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 252, a bill to direct the Federal Trade Commission to prescribe rules prohibiting the marketing of firearms to minors, and for other purposes.

S. 305

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor

of S. 305, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the United States Marine Corps, and to support programs at the Marine Corps Heritage Center.

S. 326

At the request of Mr. TESTER, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 326, a bill to direct the Secretary of Veterans Affairs to carry out a study and clinical trials on the effects of cannabis on certain health outcomes of veterans with chronic pain and post-traumatic stress disorder, and for other purposes.

S. 344

At the request of Mr. TESTER, the names of the Senator from New Mexico (Mr. HEINRICH), the Senator from Missouri (Mr. HAWLEY) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. 344, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retired pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

S. 428

At the request of Mr. DAINES, the name of the Senator from North Carolina (Mr. BUDD) was added as a cosponsor of S. 428, a bill to amend title 41, United States Code, to prohibit the Federal Government from entering into contracts with an entity that discriminates against firearm or ammunition industries, and for other purposes.

S. 444

At the request of Mr. JOHNSON, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from North Carolina (Mr. BUDD) were added as cosponsors of S. 444, a bill to require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification.

S. 452

At the request of Mr. MANCHIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 452, a bill to require the Secretary of Energy to establish a Nuclear Fuel Security Program, expand the American Assured Fuel Supply Program, and submit a report on a civil nuclear credit program, and for other purposes.

S. 506

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 506, a bill to amend the Higher Education Relief Opportunities for Students Act of 2003 to strike the Secretary's unilateral authority during a national emergency, and for other purposes.

S. 561

At the request of Mr. MARKEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 561, a bill to provide for cash refunds for canceled airline flights and tickets.

S. 597

At the request of Mr. BROWN, the names of the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Arizona (Ms. SINEMA), the Senator from Oklahoma (Mr. MULLIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 597, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 598

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 598, a bill to repeal certain impediments to the administration of the firearms laws.

S. 624

At the request of Mrs. BLACKBURN, the names of the Senator from Missouri (Mr. HAWLEY) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 624, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes.

S. 630

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 630, a bill to establish a democracy advancement and innovation program, and for other purposes.

S. 638

At the request of Mr. VAN HOLLEN, the name of the Senator from Vermont (Mr. WELCH) was added as a cosponsor of S. 638, a bill to amend the Securities Act of 1934 to require country-by-country reporting.

S. 648

At the request of Mr. COONS, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 648, a bill to require the Secretary of Transportation, in consultation with the Secretary of Energy, to establish a grant program to demonstrate the performance and reliability of heavy-duty fuel cell vehicles that use hydrogen as a fuel source, and for other purposes.

S. 649

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 649, a bill to require the Secretary of Energy to establish a hydrogen infrastructure finance and innovation pilot program, and for other purposes.

S. 650

At the request of Mr. ROUNDS, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 650, a bill to amend the Communications Act of 1934 to extend the authority of the Federal Communications Commission to grant a license or construction permit through a system of competitive bidding.

S.J. RES. 2

At the request of Mr. CRUZ, the name of the Senator from South Carolina

(Mr. SCOTT) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S.J. RES. 4

At the request of Mr. CARDIN, the names of the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Ms. HIRONO), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. BOOKER), the Senator from California (Mr. PADILLA), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Delaware (Mr. COONS), the Senator from Georgia (Mr. OSOFF), the Senator from Vermont (Mr. WELCH), the Senator from Pennsylvania (Mr. CASEY), the Senator from Maine (Mr. KING), the Senator from Virginia (Mr. KAINE), the Senator from Connecticut (Mr. MURPHY), the Senator from Washington (Ms. CANTWELL), the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from New Hampshire (Ms. HASSAN), the Senator from Rhode Island (Mr. REED), the Senator from Delaware (Mr. CARPER), the Senator from Georgia (Mr. WARNOCK), the Senator from Arizona (Ms. SINEMA), the Senator from Oregon (Mr. WYDEN), the Senator from New Mexico (Mr. HEINRICH), the Senator from Oregon (Mr. MERKLEY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Vermont (Mr. SANDERS), the Senator from Massachusetts (Mr. MARKEY), the Senator from Minnesota (Ms. SMITH), the Senator from Washington (Mrs. MURRAY), the Senator from Colorado (Mr. BENNET), the Senator from Virginia (Mr. WARNER), the Senator from Hawaii (Mr. SCHATZ), the Senator from Maryland (Mr. VAN HOLLEN), the Senator from Ohio (Mr. BROWN), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Michigan (Mr. PETERS), the Senator from Massachusetts (Ms. WARREN), the Senator from Arizona (Mr. KELLY), the Senator from West Virginia (Mr. MANCHIN), the Senator from New Mexico (Mr. LUJÁN), the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mrs. GILLIBRAND), the Senator from Nevada (Ms. ROSEN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Montana (Mr. TESTER) and the Senator from Pennsylvania (Mr. FETTERMAN) were added as cosponsors of S.J. Res. 4, a joint resolution removing the deadline for the ratification of the Equal Rights Amendment.

S.J. RES. 11

At the request of Mrs. FISCHER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S.J. Res. 11, a joint resolution

providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to "Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards".

S. RES. 20

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. Res. 20, a resolution condemning the coup that took place on February 1, 2021, in Burma and the Burmese military's detention of civilian leaders, calling for an immediate and unconditional release of all those detained, promoting accountability and justice for those killed by the Burmese military, and calling for those elected to serve in parliament to resume their duties without impediment, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself and Mr. CARPER):

S. 655. A bill to amend the Internal Revenue Code of 1986 to permit high deductible health plans to provide chronic disease prevention services to plan enrollees prior to satisfying their plan deductible; to the Committee on Finance.

Mr. THUNE. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chronic Disease Management Act of 2023".

SEC. 2. CHRONIC DISEASE PREVENTION.

(a) IN GENERAL.—Section 223(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(F) PREVENTIVE CARE SERVICES AND ITEMS FOR CHRONIC CONDITIONS.—For purposes of subparagraph (C)—

"(i) preventive care shall include any service or item used to treat an individual with a chronic condition if—

"(I) such service or item is low-cost,

"(II) in regards to such service or item, there is medical evidence supporting high cost efficiency of preventing exacerbation of the chronic condition or the development of a secondary condition, and

"(III) there is a strong likelihood, documented by clinical evidence, that with respect to the class of individuals utilizing such service or item, the specific service or use of the item will prevent the exacerbation of the chronic condition or the development of a secondary condition that requires significantly higher cost treatments, and

"(ii) an individual who has been prescribed preventive care for any chronic condition may be presumed to have been diagnosed with such condition if such preventive care is customarily prescribed for such condition."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage

for months beginning after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 94—MEMORIALIZING THOSE LOST TO THE COVID-19 PANDEMIC

Ms. WARREN (for herself and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 94

Whereas the first Monday in March is recognized as "COVID-19 Victims Memorial Day";

Whereas SARS-CoV-2 is a coronavirus that causes COVID-19 disease (referred to in this preamble as "COVID-19");

Whereas, in late 2019, COVID-19 emerged and began to spread throughout the world, creating a pandemic that has had a catastrophic impact on human life, communities, and the economy of the United States;

Whereas, in March 2020, communities in the United States began to experience increased death due to the COVID-19 pandemic, and families lost parents, siblings, children, friends, and neighbors to the virus;

Whereas, beginning in 2020, many across the United States were, and continue to be, personally impacted by the COVID-19 pandemic, including mourning their loved ones or suffering from the unknown long-term health implications of the virus;

Whereas, by the end of February 2023, there had been more than 100,000,000 known cases of COVID-19 in the United States, and the Centers for Disease Control and Prevention estimates that more than 1,100,000 individuals tragically lost their lives due to illness related to COVID-19;

Whereas the COVID-19 pandemic has had a disproportionate impact on low-income communities and communities of color, individuals with disabilities, individuals with weakened immune systems, individuals with other risk factors, such as physical or mental comorbidities, and individuals living in congregate settings, such as long-term care facilities and prisons;

Whereas frontline and essential workers and health care and public health professionals have taken selfless actions to protect their neighbors and communities, support struggling local economies, and find innovative ways to provide services;

Whereas local, State, Tribal, and Federal Government entities have provided critical support to businesses, communities, and the people of the United States in need; and

Whereas each life lost to the COVID-19 pandemic and each sacrifice made shall never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) will memorialize those lost to the COVID-19 pandemic;

(2) recognizes the suffering of those who contracted the SARS-CoV-2 virus and those who continue to struggle with the ongoing impacts of the COVID-19 pandemic; and

(3) expresses support for the annual designation of the first Monday in March as "COVID-19 Victims Memorial Day".

MEASURE PLACED ON THE CALENDAR—H.R. 347

Mr. SCHUMER. I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 347) to require the Executive Office of the President to provide an inflation estimate with respect to Executive orders with a significant effect on the annual gross budget, and for other purposes.

Mr. SCHUMER. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

ORDERS FOR TUESDAY, MARCH 7, 2023

Mr. SCHUMER. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, March 7; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate proceed to executive session and resume consideration of the Ballou nomination postcloture; further, that all postcloture time on the Ballou nomination be considered expired at 11:30 a.m. and that the Senate vote on confirmation of the nomination; that the Senate recess following the cloture vote on the Schopler nomination until 2:15 p.m. to allow for the weekly caucus meetings; further, that if cloture has been invoked, at 2:15 p.m., the Senate vote on confirmation of the Schopler nomination, and if cloture has been invoked on the Subramanian nomination, the confirmation vote be at 4:30 p.m.; finally, that if any nominations are confirmed during Tuesday's session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's actions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Tuesday, March 7, 2023, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

CORPORATION FOR PUBLIC BROADCASTING

FELIX R. SANCHEZ, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2028, VICE ROBERT A. MANDELL, TERM EXPIRED.

DEPARTMENT OF STATE	IN THE ARMY	IN THE NAVY
BRYAN DAVID HUNT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.	THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601: <i>To be lieutenant general</i> MAJ. GEN. JOHN W. BRENNAN, JR.	THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601: <i>To be vice admiral</i> VICE ADM. KARL O. THOMAS